### IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS CORPUS CHRISTI DIVISION

GRACIE CLARK, Individually and as Representative of the ESTATE OF CRUZ CLARK, JR.; JUAN ALBERTO CLARK, Individually; and CRUZ CLARK, II, Individually

**V.** 

NUECES COUNTY, TEXAS; JANE DOE NO. 1, Individually; JOHN DOE NO. 1, Individually; and JOHN DOE NO. 2, Individually CIVIL ACTION NO: 2:13-cv-280 JURY TRIAL

# PLAINTIFFS' UNOPPOSED STIPULATION OF DISMISSAL OF CLAIMS AGAINST ALL DEFENDANTS

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#### TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

**NOW COME** Plaintiffs, Gracie Clark, *Individually and as Representative of the* Estate of Cruz Clark, Jr., Juan Alberto Clark, *Individually* and Cruz Clark, II, *Individually*, pursuant to Fed.R.Civ.P. 41(a)(1)(ii), filing this, their *Plaintiffs' Unopposed Stipulation of Dismissal of Claims Against all Defendants*, showing unto this honorable Court as follows:

- 1. Plaintiffs filed their *Plaintiffs' Original Complaint* on September 6, 2013.
- 2. At this time, Plaintiffs move to dismiss this suit against all Defendants.
- 3. Defendants, who have filed an answer, agree to the dismissal.
- 4. This case is not a class action and a receiver has not been appointed.
- 5. This action is not governed by any statute of the United States that requires an order of the court for dismissal of this cause.
- 6. Plaintiffs have not dismissed an action based on or including the same claim or claims as those presented in this suit.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, Gracie Clark, *Individually and as Representative of the* Estate of Cruz Clark, Jr., Juan Alberto Clark, *Individually* and Cruz Clark, II, *Individually*, pray that the Court dismiss Plaintiffs' claims against all Defendants without prejudice and grant all further relief, either at law or equity, to which they may be justly entitled.

Respectfully submitted,

Law Offices of GALE, WILSON & SÁNCHEZ, PLLC 115 E. Travis, 19<sup>th</sup> Floor San Antonio, Texas 78205-1604 Telephone:(210)222-8899 Telecopier:(210)222-9526 E-mail: cjgale@gws-law.com

By: /s/ Christopher J. Gale
Christopher J. Gale
Southern District No. 27257
Texas Bar No. 00793766
Attorney-In-Charge for Plaintiffs

### CERTIFICATE OF CONFERENCE

The undersigned counsel hereby certifies that he conferred with counsel for Defendants and she does not object to the filing of this motion.

/s/ Christopher J. Gale Christopher J. Gale

### NOTICE OF ELECTRONIC FILING

The undersigned counsel hereby certifies that he has electronically submitted for filing a true and correct copy of the above and foregoing in accordance with the Electronic Case Files System of the Southern District of Texas on the 18<sup>th</sup> day of March, 2014.

/s/ Christopher J. Gale Christopher J. Gale

## **CERTIFICATE OF SERVICE**

I hereby certify that on this the 18<sup>th</sup> day of March, 2014, a true and correct copy of the foregoing was forwarded to the following counsel of record by the means indicated below:

Alissa Anne Adkins Nueces County Attorney's Office 901 Leopard St., Rm 2078 Corpus Christi, Texas 78401 Via E-File Notification

/s/ Christopher J. Gale Christopher J. Gale